

REMARKS

Claim Rejection – 35 USC § 112

Claim 11 was rejected under 35 U.S.C. § 112 ¶ 2 for lacking antecedent basis for the phrase “said end blocks.” Applicant has amended claim “said end blocks” to “said end members.” No new matter has been added to the claim. Claims 14 and 15 have been amended to correct typographical errors. The purpose of the amendments to claims 11, 14, and 15 is not to narrow the scope of the claims for the purpose of obtaining an issued patent, and the Applicant specifically and affirmatively alleges that it has not done so, but rather to clarify a technical typographical error. Accordingly, the Applicant expressly puts the examiner and the public on notice that claims 11, 14, and 15 have the same scope and equivalents as they had prior to said amendment.

Claim Rejection – 35 USC § 103

Claims 11-16 were rejected by the examiner under 35 USC 103(a) as being unpatentable over Lyden (U.S. Patent No. 3,540,276) and further in view of Rieke et al. (U.S. Patent No. 5,379,913). Applicant respectfully disagrees with the examiner. The disclosure of Rieke is not related to fluid monitoring systems. While Rieke does mention use of a punch press, it is utilized to make sure the attached members will not turn or rotate. (See Col. 4, lines 49-55). The disclosure in Lyden contemplates end members 15 and 16 that are screwed into place to secure the end members to the channel member, with the screw means necessary to compress the sealing means so that fluid may not leak from the system. It would not have been obvious to use the disclosure of Rieke in combination of Lyden to form a leak-free system. Since Rieke does not contemplate a seal sufficient to prevent fluid from escaping from the system, which is one of the advantages of the indentation of the present invention, Applicant does not believe it would have been obvious to combine Rieke with Lyden to arrive at the invention. Rieke does not form a seal as in the

present invention; an extra bag (22a) is needed to keep the fluid contents within the drum.

Furthermore, the present invention, when securing the shield member to the end members, must take into account the sight member, which may be made from a breakable material, such as glass. Rieke does not require such care and does not teach such precision. It would not have been obvious to combine Rieke with Lyden or any other analogous prior art, as Rieke does not teach how such a process would be carried out in the current field of the invention. Accordingly, Applicant believes claims 11-16 state the patentably distinguishable features of the present invention over the prior art and requests that the claims be passed to allowance.

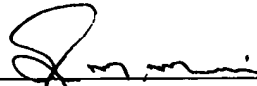
Applicant has also added new claim 20 to the application, which states that the cylindrical projections of the end members are radially and coaxially spaced to the sight members. Such an arrangement prevents the end members from being in direct contact with the sight member. Support for such an amendment may be found in paragraph [0042] of the application. Such an arrangement alleviates stress on the sight member, which decreases the chance that the sight member may crack or break. For instance, in Lyden, the end members are compressed onto the sight member. An arrangement as suggested in Lyden allows more opportunities for the sight member to crack under pressure. Applicant believes claim 20 further patentably distinguishes the present invention from the prior art and asks that it be passed to allowance.

Additionally, Applicant has added new claim 21, which adds the element of the outer surfaces of cylindrical projections being tapered. Such an arrangement facilitates mating of the end members with the end members. It is not believed the prior art teaches such an arrangement and believes claim 21 further patentably distinguishes the present invention from the prior art and asks that it be passed to allowance.

Applicant requests that amended claims 11, 14, and 15, original claims 12, 13, and 16, and newly added claims 20 and 21 be passed to allowance.

Respectfully Submitted,

By



John M. Manion, Reg. No. 38,957

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

23 July 2003

Customer No.: 26308

Oil-Rite/17678-EFS/030723 Amt. B

Enclosures: Amendment Transmittal Letter
Return Postcard



26308

PATENT TRADEMARK OFFICE